

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as  
Secretary of Health and Human Services, *et al.*,

Defendants.

Civil Action No. 5:22-cv-00185-H

**DEFENDANTS' MOTION TO DISMISS**

Defendants hereby move to dismiss Plaintiffs' Amended Complaint, *see* ECF No. 18, under Federal Rule of Civil Procedure 12(b)(1). As further detailed in the accompanying memorandum of law, also submitted in opposition to Plaintiffs' Motion for a Preliminary Injunction or Temporary Restraining Order, *see* ECF Nos. 22 (Motion), 23 (Memorandum, or "Pls.' Mem."), Plaintiffs' Complaint fails for threshold reasons, including standing, and should be dismissed for lack of subject matter jurisdiction. Moreover, Plaintiffs' motion fails to establish their entitlement to extraordinary preliminary relief, as Plaintiffs are unlikely to succeed on the merits of their claims and the balance of equities counsels in favor of denying Plaintiffs' motion for injunctive relief. A proposed order is attached hereto.

Dated: August 15, 2022

Respectfully Submitted,

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**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**

Before the Court is Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction. After due consideration of the briefing, arguments, evidence presented, and applicable law, the Court hereby GRANTS Defendants' Motion. SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE